

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERRANCE JON IRBY,

Plaintiffs,

V.

STATE OF WASHINGTON, et al.,

## Defendants.

CASE NO. C15-5208-RJB-KLS

ORDER DENYING MOTIONS TO  
JOIN GOVERNOR JAY INSLEE, TO  
JOIN “THE ENTITY,” AND TO  
CONSOLIDATE (DKTS. 34, 35, AND  
36)

Before the Court are a number of motions filed by *pro se* plaintiff Terrance Jon Irby.

Dkts. 34, 35, and 36. Under separate orders, plaintiff's application to proceed *in forma pauperis* was granted and the Clerk was directed to serve his civil rights complaint (Dkts. 42 and 43).

After review, the Court finds that Mr. Irby's motions should be denied.

**A. Motion to Join Governor Inslee – Dkt. 34**

Plaintiff seeks to join Governor Inslee pursuant to Fed. R. Civ. P. 15(a) and 19(a). He also “motions for local rules of the court” and for service of his complaint. By separate order, the Court has directed service of plaintiff’s complaint. If plaintiff wishes to obtain a copy of the Court’s local rules, he may contact the Clerk’s Office and make arrangement to pay for a copy.

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1       With regard to plaintiff's motion to join Governor Inslee as a party, plaintiff has stated no  
2 factual or legal basis for joinder of the governor in his official or personal capacity. Moreover,  
3 the Eleventh Amendment bars all claims for damages against Governor Inslee in his official  
4 capacity. *See Will v. Mich. Dep't State Police*, 491 U.S. 58, 71 (1989). This motion is denied.

5 **B. Motion to Join Entity – Dkt. 35**

6       It is not clear what relief plaintiff seeks in this motion. He purports to seek leave of court  
7 to "join the entity," *i.e.*, the State of Washington, pursuant to Fed. R. Civ. P. 15(a), 19(a), and 21.  
8 He states that "by naming the State of Washington with the intent of joining the 'municipality,'  
9 assignment of damages will follow in further pleadings." Dkt. 35.

10       The State of Washington is already named as a party in this action. Whether plaintiff can  
11 show entitlement to recovery from this named defendant is an issue that is not before the Court at  
12 this time. Therefore, this motion is denied.

13 **C. Motion to Consolidate – Dkt. 36**

14       Plaintiff seeks to join or consolidate this case with two other pending cases, Case No. 16-  
15 cv-5052 RBL-JRC and 17-cv-5070 RBL-DWC because "all raise identical issues and share for  
16 the most part same defendants." Dkt. 36. Plaintiff has failed to meet the requirements of Local  
17 Rule 42:

18       (b)     Meet and Confer Requirement

19       Prior to filing a motion to consolidate, the parties must meet and confer  
20 and attempt to reach agreement regarding whether the cases should be  
21 consolidated and whether consolidation should extend through trial. If they agree,  
22 the parties must file a stipulation to consolidate in all of the cases to be  
23 consolidated. The stipulation should also address, to the extent possible, any  
scheduling issues implicated by consolidation such as which case schedule should  
govern in the consolidated action.

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1 Plaintiff fails to show that he has satisfied the meet and confer requirement. Therefore,  
2 the Court denies Plaintiff's request without prejudice.

3 Accordingly, it is **ORDERED**:

4 (1) Plaintiff's motions (Dkt. 34, 35, and 36) are **DENIED**.  
5 (2) The Clerk shall send a copy of this Order to Plaintiff.

6 Dated this 24<sup>th</sup> day of March, 2017.

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9 Karen L. Strombom  
10 United States Magistrate Judge

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